

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

EDUARDO JUAREZ GALLEGOS,	*	
	*	
Petitioner,	*	
	*	CV 116-127
v.	*	(Formerly CR 113-220)
	*	
UNITED STATES OF AMERICA,	*	
	*	
Respondent.	*	

O R D E R

On September 21, 2016, the United States Magistrate Judge issued a Report and Recommendation recommending dismissal of Petitioner's pro se motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence in this captioned case. The Magistrate Judge concluded that the motion was untimely.

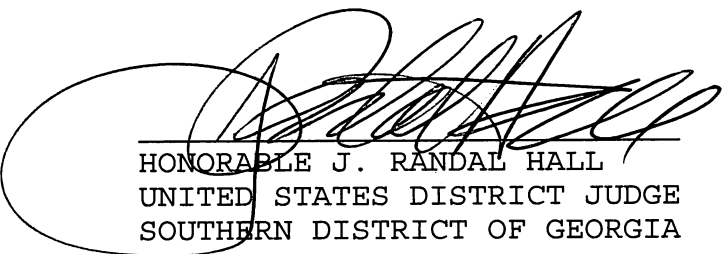
This Court adopted the Report and Recommendation, over Petitioner's objections, on October 21, 2016. Presently, Petitioner has filed a motion for reconsideration. Petitioner insists that this Court should equitably toll the statute of limitations because of "extreme physical pain and mental agony." (Doc. 7, at 1.) Petitioner attaches certain medical records to document his claim.

This Court has already considered and rejected Petitioner's supplication in this regard when it adopted the Report and Recommendation. (See Order of Oct. 21, 2016, Doc.

5.) Petitioner's latest filing still does not create the "extraordinary circumstances" necessary to justify equitable tolling. As the Court previously explained, his medical condition did not prevent him from petitioning for relief in the Supreme Court of Georgia nor from filing two motions to reduce sentence in the months prior to the expiration of the limitation period. Moreover, the Court notes that the merits of at least two of his claims, his Johnson claim and his claim for a reduction of sentence under Amendment 782 to the United States Sentencing Guidelines, have already been found to be without merit.

Upon the foregoing, this Court concludes that equitable tolling is not appropriate in this case and therefore **DENIES** Petitioner's motion for reconsideration (doc. 7).

ORDER ENTERED at Augusta, Georgia, this 25th day of January, 2017.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA